

**City of Concord Planning Board
December 18, 2019
Minutes**

The regular monthly meeting of the City Planning Board was held on December 18, 2019, in City Council Chambers, in the Municipal Complex, at 37 Green Street, at 7:00 p.m.

Attendees: Vice-Chair Carol Foss, Councilor Byron Champlin, Members, Matthew Hicks, John Regan, and Erle Pierce. Teresa Rosenberger (Ex-Officio for City Manager) arrived at 7:02 PM.

Absent: Chairman Richard Woodfin, Susanne Smith-Meyer, David Fox, Alternate Chiara Dolcino, and Alternate Frank Kenison.

Staff: Heather Shank (City Planner), Beth Fenstermacher (Assistant City Planner), Sam Durfee (Senior Planner), Lisa Fellows-Weaver (Administrative Specialist), and Bryant Anderson (Associate Engineer).

1. Call to Order

Vice-Chairman Foss called the meeting to order at 7:00 pm.

2. Roll Call

Vice-Chair Carol Foss, Councilor Byron Champlin, Matthew Hicks, John Regan, Erle Pierce and Teresa Rosenberger (7:02)

3. Approval of November 20, 2019 Planning Board Meeting Minutes

On a motion made by Councilor Champlin, and seconded by Mr. Hicks, the Board voted unanimously to approve the November 20, 2019, Planning Board Meeting Minutes, as written.

4. Planning Board Chair Overview

There were no changes to the agenda.

5. Design Review Applications by Consent

5A. Victoria Johnson requests ADR approval to replace an externally illuminated freestanding sign at 125 Fisherville Road in the Urban Transitional (UT) District.

On a motion made by Mr. Pierce, and second by Councilor Champlin, the Board voted unanimously to approve the design as submitted by consent.

5B. Priority, Inc., on behalf of DSM MB I LLC, requests ADR approval to replace an internally illuminated wall sign and a non-illuminated blade sign at 104 Fort Eddy in the Gateway Performance (GWP) District.

On a motion made by Mr. Pierce, and second by Councilor Champlin, the Board voted unanimously to approve the design as submitted by consent.

Public Hearings

6. Design Review Applications

6A. Daniel Brennan, on behalf of Concord Plaza (Panera), requests a Conditional Use Permit for construction of an enclosed seating area and new signage at 75-77 Fort Eddy Road in the Gateway Performance (GWP) District.

No one was present to represent the application.

Mr. Durfee provided an overview of the proposal and stated that renderings for the cooler were not submitted. He stated that the applicant felt that since there was a dumpster in that area already that

**City of Concord Planning Board
December 18, 2019
Minutes**

the cooler would be acceptable if they could match the encroachment. Discussion ensued regarding the cooler addition and whether there would be conflicts with the drive aisle on the backside of the building.

Mr. Durfee stated that the ADRC did not have any issues with the project other than the cooler and the traffic. Mr. Anderson expressed concern with the 2-way traffic and noted that a variance may be needed.

There being no further comments from staff or members of the public, Vice-Chair Foss closed the public hearing.

On a motion made by Mr. Pierce, and second by Councilor Champlin, the Board voted unanimously to table the application to January 15, 2020 since the applicant may need a variance to proceed.

7. Site Plan, Subdivision, and Conditional Use Permit Applications

7A. Hank Amsden, on behalf of Scott and Julie Spiewak, requests Minor Subdivision approval for a lot line adjustment between 232 South Street and 12 and 18 Iron Works Road in the Single Family Residential (RS) District.

On a motion made by Councilor Champlin, and second by Mr. Regan, the Board voted unanimously to determine the application complete, determine that this application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Vice-chair Foss opened the public hearing.

Mr. Durfee stated that the application was not accepted as complete last month due to a boundary line dispute; this has since been addressed and resolved. He added that the applicant has requested three waivers.

Abutter Tom Chapman, 12 Iron Works Road, explained the reasoning behind the purpose of the proposed subdivision, which is basically to protect the field.

There being no additional comments from staff or members of the public, Vice-Chair Foss closed the public hearing.

On a motion made by Councilor Champlin, and second by Mr. Regan, the Board voted unanimously to **grant the requested waivers from the Subdivision Regulations** to not provide the following information on the subdivision plat, utilizing the criteria from RSA 674:36(II)(n)(2): Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

- Section 12.07 Wetland Delineation
- Section 12.08(3) Topography
- Section 15.03(15) Non-Municipal Utilities

On a motion made by Councilor Champlin, and second by Mr. Regan, the Board voted unanimously to **grant Minor Subdivision approval** for the lot line adjustment between 232 South Street, 12 and 18 Iron Works Road subject to the following precedent conditions to be fulfilled within one year and prior to endorsement of the final plan by the Planning Board Chair and Clerk, unless otherwise specified.

- (1) Waiver(s) granted are to be noted and fully described on the plan including date granted and applicable Section number(s) of the Site Plan Regulations. Should the Board vote to deny

**City of Concord Planning Board
December 18, 2019
Minutes**

the waiver(s), the applicant shall comply with said submission requirement(s).

- (2) Prior to the final plat being signed by the Planning Board Chair and Clerk, digital information shall be provided to the City Engineer for incorporation into the City of Concord Geographic Information System (GIS) and tax maps. The information shall be submitted in accordance with Section 12.09 of the Subdivision Regulations.
- (3) The Licensed Land Surveyor shall sign and seal final plans and mylars.
- (4) The Applicant shall submit two checks for recording the plan at the Merrimack County Registry of Deeds (including a separate check in the amount of \$25.00 for the LCHIP fee). Both checks are to be made payable to the Merrimack County Registry of Deeds.
- (5) The Applicant shall deliver to Planning one (1) plan set(s) and one (1) mylar(s) for endorsement by the planning Board Chairman & Clerk and recording at the Registry of Deeds.

7B. Stantec Consulting Services, on behalf of Eversource Energy, is requesting a Conditional Use Permit (CUP) to allow a temporary disturbance to wetland buffers to allow replacement of utility structures along Sanborn, Hoit, and Mountain Roads in the Open Space Residential (RO) and Medium Density Residential (RM) Districts.

On a motion made by Councilor Champlin, and second by Mr. Regan, the Board voted unanimously to determine the application complete, determine that this application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Vice-chair Foss opened the public hearing.

Ms. Fenstermacher stated that the Conservation Commission reviewed the application at their meeting earlier this month and did not have any concerns. They recommended approval of the Conditional Use Permits.

Kara Moody from Stantec represented the application along with Jeremy Fennel of Eversource. Ms. Moody gave an overview of the project, which consists of replacing five existing wooden poles with metal poles; replacing in kind. All work will be done over the winter months. All impacts to the wetland buffer are temporary impacts to the buffer.

Mr. Peirce asked what type of matting will be used that will not affect the stream crossings and banks. Mr. Fennell replied they will be using wooden timber mats.

There being no additional comments from staff or members of the public, Vice-Chair Foss closed the public hearing.

On a motion made by Councilor Champlin, and second by Mr. Regan, the Board voted unanimously to grant the following Conditional Use Permit approvals:

1. Article 28-4-3(d) Zoning Ordinance (ZO) to allow for temporary disturbance of 12,932 sf within the 50-foot wetland buffer, subject to the condition that the temporarily disturbed wetland buffer areas are restored per the plan.
2. Article 28-3-3(f) to allow for the 10,716 sf temporary disturbance of buffers in the Shoreland Protection District, subject to the condition that the temporarily disturbed wetland buffer areas are restored per the plan.

7C. Remi Hinxhia requests Minor Site Plan approval for the conversion of a two-unit dwelling to a three-unit dwelling at 16 Thompson Street in the Downtown Residential (RD) District.

City of Concord Planning Board
December 18, 2019
Minutes

On a motion made by Mr. Hicks, and second by Mr. Pierce, the Board voted unanimously to determine the application complete, determine that this application does not meet the criteria for a Development of Regional Impact, and open the public hearing.

Vice-chair Foss opened the public hearing.

Remi Hinxhia represented the application.

Mr. Durfee provided an overview of the project noting that several variances have been granted for the property for the renovation of the condo.

Mr. Durfee stated that an email was received today from an abutter expressing concern relative to the parking and congestion that the creation of a new unit will have in the area. He stated that the road is narrow and there are maneuverability issues.

Vice-chair Foss asked about the update of the condominium documents. Mr. Durfee explained that condominium documents are the responsibility of the applicant.

Mr. Hinxhia spoke to the variances. He was surprised to hear that there are parking concerns. He explained that the condo has been for sale for some time with no offers. He believes that this option will be successful for him. No structure changes are proposed.

Councilor Champlin asked the existing amount of bedroom and what the changes will be to bedrooms. Mr. Hinxhia replied that there are currently four bedrooms in the building; there will be three bedrooms after the renovations as the bottom floor will be a two bedroom unit and the top floor will be a one bedroom unit.

Mr. Regan asked about parking spaces. Mr. Hinxhia stated that there are six parking spaces.

Councilor Champlin noted that there is a street study being conducted of narrow streets throughout the City. This street is a red lined street and the area is one that will be looked into. The study may result in changes and may include removing parking on one side, which will allow better access for safety vehicles and plow vehicles.

Mr. Pierce stated that the ZBA has granted the variances; what can the Planning Board do to address the parking concerns. Ms. Shank replied that with this scenario, the Board really is not able to do anything different.

There being no additional comments from staff or members of the public, Vice-chair Foss closed the public hearing.

On a motion made by Mr. Hicks, and second by Ms. Rosenberger, the Board voted unanimous to **grant conditional Minor Site Plan approval** for the proposed conversion of an existing condo unit to a 2-unit apartment, subject to the following precedent conditions to be fulfilled within one (1) year and prior to sign off by the Clerk and Chair of the Planning Board and issuance of any certificate of occupancy, or the commencement of site construction, unless otherwise specified:

- (1) Address Technical Review comments noted in the December 18, 2019 staff report to the satisfaction of the Planning Division.
- (2) Address Engineering review comments to the satisfaction of the Engineering Division.
- (3) Submit three (3) copies of fully revised plans for sign off by the Clerk and Chair of the Planning Board.

**City of Concord Planning Board
December 18, 2019
Minutes**

8. Other Business

8A. CodeNEXT Zoning update – Residential Districts & Plan Review Process

Ms. Shank gave a presentation of the zoning updates and the continued progress. She shared proposed district pages and reviewed how to use them, and also highlighted some of the differences between district standards. She also reviewed maps indicating testing of the proposals for the residential districts, which displayed the existing and proposed livable square footage for each lot in the test area.

Ms. Shank also stated that she is also working on updating the site plan and subdivision regulations per the zoning changes. She presented a chart showing the proposed thresholds for review by the Planning Board and staff. This change could allow staff more authority to approve smaller scaled projects on an administrative level, which will alleviate some applications being presented to the Board, and in turn make it easier on the developers and speed up the time of the process.

Ms. Foss requested a matrix or summary be provided of the residential district standards.

8B. Trail Master Plan

Ms. Fenstermacher stated that a Trails Master Plan is being developed. She explained that the trails are not just a conservation commission issue; they affect the whole City and are also seen as economic development for the City. The City trail system is becoming bigger and more popular, with more impact on adjacent property, habitat, and the resources needed for maintenance and monitoring. The trails are heavily used. The master plan will focus mainly on off road trails, and address issues such as where new trails should be, if any trails should be closed, where connections should be made, and if there is a need for parking, among other issues. She added that Central NH Regional Planning Commission has been awarded funding through NHDOT to work on the master plan.

Ms. Fenstermacher stated that a subcommittee will be set up with hopes that a Planning Board member would be interested in being a part. Mr. Hicks volunteered to be the Planning Board member on the committee.

Adjournment

At the request of Vice-chair Foss, Mr. Hicks made a motion to adjourn at 8:05 PM, seconded by Mr. Pierce. The motion carried unanimously.

A TRUE RECORD ATTEST:

Lisa Fellows-Weaver,
Administrative Specialist